

RCE/2155 \$  
41

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Samuel M. Prabhakar et al.** : Date: **June 22, 2004**  
 Group Art Unit: **2155** : IBM Corporation  
 Examiner: **Kevin Bates** : Intellectual Property Law  
 Serial No.: **09/728,977** : Dept. 917, Bldg. 006-1  
 Filed: **December 4, 2000** : 3605 Highway 52 North  
 Title: **WEARABLE DATA DEVICE FOR USE** : Rochester, MN 55901  
**IN A WEARABLE DATA NETWORK**



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JUN 30 2004

Technology Center 2100

Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

**1. SUBMISSION REQUIRED UNDER 37 CFR § 1.114**

a.  Previously submitted

- i.  Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on \_\_\_\_\_ (any unentered amendment(s) referred to above will be entered).
- ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii.  Other \_\_\_\_\_

b.  Enclosed

i. <input checked="" type="checkbox"/> Preliminary Amendment	06/28/2004	YPOLITE1	00000021	090465	09728977
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	01 FC:1801				770.00 DA
iii. <input type="checkbox"/> Information Disclosure Statement (IDS)					
iv. <input type="checkbox"/> Other _____					

**2. MISCELLANEOUS**

a.  Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR § 1.17(i) required.)

b.  Other \_\_\_\_\_

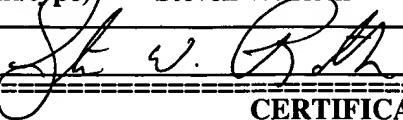
**3. FEES** (the RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed)

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 09-0465.

- i.  \$770.00 (RCE fee required under 37 CFR § 1.17(e))
- ii.  \_\_\_\_\_ (Extension of time fee (37 CFR § 1.136 and 1.17))
- iii.  \_\_\_\_\_ (Other) \_\_\_\_\_

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

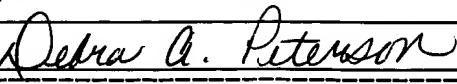
Name (print/type) **Steven W. Roth** Registration Number (Attorney/Agent): **34,712**

Signature  Date: **June 22, 2004**

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: **June 22, 2004**

Name (print/type) **Debra A. Peterson**

Signature  Date: **June 22, 2004**



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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 22, 2004.

*Debra A. Peterson*

Debra A. Peterson

PRELIMINARY AMENDMENT

Please amend the above-identified application as follows:

**In the Claims**

Please amend claim 1 and add claim 16 as follows: